

REMARKS

The Examiner rejected Claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Tang, *et al* (hereafter "Tang"). Applicant traverses this rejection. Where the claimed subject matter has been rejected as obvious in view of a combination of prior art references, a proper analysis under section 103 requires, *inter alia*, consideration of two factors: (1) whether the prior art would have suggested to those of ordinary skill in the art that they should make the claimed composition or device, or carry out the claimed process; and (2) whether the prior art would also have revealed that in so making or carrying out, those of ordinary skill would have a reasonable expectation of success... Both the suggestion and the reasonable expectation of success must be founded in the prior art, not in the applicant's disclosure. *In re Vaeck*, 20 USPQ2d 1438, 1442(CAFC 1991).

With reference to Claim 1, the Examiner admits that Fleming does not teach that the light emitting layer and top electrode layer completely cover the protrusion. The Examiner looks to Tang for the missing teaching. According to the Examiner one would be motivated to use the arrangement taught in Tang because it utilizes the "effective vapor disposition method". Applicant must disagree with the Examiner's reasoning.

First, Fleming already utilizes vapor deposition. The difference between the teachings of the two references in this regard relates to the angle at which the material is deposited. Fleming deposits the material at an angle with respect to the normal to the surface of the substrate so that gaps are created in the top electrode layer. Those gaps are essential to the operation of the device taught in Fleming. Accordingly, there is no reasonable expectation of success in modifying the teachings of Fleming to eliminate the gaps. Hence, Applicant submits that the Examiner has not made a *prima facie* case for obviousness with respect to Claim 1 and the claims dependent therefrom.

The Examiner stated that Claim 4 would be allowable if re-written in independent form. The above amendment to Claim 4 places the claim in independent form.

The amendment to Claim 1 merely corrects a grammatical error.

I hereby certify that this paper is being sent by FAX to 703-872-9306.

Respectfully Submitted,



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